



Request for City Council Committee Action From the Department of Public Works

Date: June 9, 2015

To: Honorable Kevin Reich, Chair Transportation & Public Works Committee

Subject: **Amendment to Joint and Cooperative Agreement for Shingle Creek Watershed Management Commission**

Recommendation:

Pass a Resolution authorizing the proper City officers to execute an Amendment to the Joint and Cooperative Agreement for the Shingle Creek Watershed Management Commission

Previous Directives:

May 6, 2003 - Approval of Amendment to the Joint Powers Agreement for the Shingle Creek Watershed Management Commission.

Department Information

Prepared by: Lois Eberhart, Water Resources Administrator, Surface Water & Sewers 673-3260 Lisa Cerney, P.E., Director of Surface Water & Sewers 673-3061
Approved by: _____ Steven A. Kotke, P.E., Director of Public Works
Presenter in Committee: Lois Eberhart, Water Resources Administrator, Surface Water & Sewers

Reviews

Permanent Review Committee (PRC):	Not applicable
Civil Rights Approval	Not applicable
Policy Review Group (PRG):	Not applicable

Financial Impact

Action is within the approved budget.

Community Impact

Neighborhood Notification: Not applicable

City Goals: Great Places - Natural and built spaces work together and our environment is protected.

Background/Supporting Information

The Agreement for Shingle Creek Watershed Management Commission expired on January 1, 2015. The Commission has continued to act and exercise its powers and duties, notwithstanding the expiration of the Joint Powers Agreement. An Amendment will extend the term of the Agreement until January 1, 2025. The Amendment makes no changes other than extending the term and deleting the names of the Chairs in office at the time of the original Joint Powers Agreement.

The Joint Powers Agreement was adopted by the nine member cities in 1984 to meet the mandates of Minnesota Statutes, Sections 103B.201 through 103B.251 and Minnesota Rules Chapter 841 relating to Metropolitan Area Local Water Management. The member cities are Brooklyn Center, Brooklyn Park, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale, Minnesota. The organization's purpose is to assist the nine member communities to preserve and use natural water storage and retention systems to:

1. Protect, preserve, and use natural surface and groundwater storage and retention systems;
2. Minimize public capital expenditures needed to correct flooding and water quality problems;
3. Identify and plan for means to effectively protect and improve surface water and groundwater quality;
4. Establish more uniform local policies and official controls for surface water and groundwater quality;
5. Prevent erosion of soil into surface water systems;
6. Promote groundwater recharge;
7. Protect and enhance fish and wildlife habitat and water recreational facilities;
8. Secure other benefits associated with the proper management of surface and ground water; and
9. Promote and encourage cooperation among member cities in coordinating local surface water and groundwater plans and to be aware of their neighbor's problems and to protect the public health, safety, and general welfare

Recommendation

It is recommended that the City Council authorize the proper City officials to execute an Amendment to the Joint and Cooperative Agreement for the Shingle Creek Watershed Management Commission.

cc: Corey Conover, Assistant City Attorney

RESOLUTION 2015R-_____
By _____

**AMENDING THE JOINT POWERS AGREEMENT FOR THE CREATION OF THE SHINGLE CREEK
WATERSHED MANAGEMENT COMMISSION AND RATIFYING THE ACTS THEREOF**

Resolved by The City Council of The City of Minneapolis:

WHEREAS, the City of Minneapolis (the "City") is party to a joint powers agreement entitled AMENDED JOINT AND COOPERATIVE AGREEMENT ESTABLISHING THE SHINGLE WATERSHED MANAGEMENT COMMISSION TO PLAN, CONTROL AND PROVIDE FOR THE DEVELOPMENT OF THE SHINGLE CREEK WATERSHED (the "Joint Powers Agreement"); and

WHEREAS, in 1984 the Joint Powers Agreement provided for the establishment of the Shingle Creek Watershed Management Commission (the "Commission"), a watershed management organization pursuant to and in accordance with the Metropolitan Surface Water Management Act, Minn. Stat. § 103B.201 et seq., and Minn. Stat. § 471.59; and

WHEREAS, the Joint Powers Agreement has been amended on a 10-year cycle since 1984; and

WHEREAS, the Joint Powers Agreement has expired by its terms on January 1, 2015; and

WHEREAS, the Commission has continued to act and exercise its powers and duties, notwithstanding the expiration of the Joint Powers Agreement; and

WHEREAS, it has been and is the intent of the City that the Commission continue to act as a watershed management organization for the Shingle Creek watershed and will continue to do so in the future; and

WHEREAS, the City has been presented with a proposed amendment to the Joint Powers Agreement, extending the term thereof to January 1, 2025 (the "Amendment"); and

WHEREAS, the City Council has determined that extending the term of the Joint Powers Agreement and the ratification of all acts of the Commission from January 1, 2015 to the effective date of the Amendment is reasonable, prudent, and in the best interest of the public.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Minneapolis, Minnesota, as follows:

1. The Amendment to the Joint Powers Agreement is approved and proper City officers are authorized and directed to execute and deliver a copy of the Amendment to the Chair of the Commission. The Clerk is directed to forward a certified copy of this resolution to the Chair of the Commission.

2. All acts of the Commission from January 1, 2015 to the effective date of the Amendment to the Joint Powers Agreement are approved, confirmed and ratified in all respects.